

[19th October 1927]

\* The hon. the PRESIDENT :—" By leave withdrawn."

MR. S. SATYAMURTI :—" Not moved at all ?"

\* The hon. the PRESIDENT :—" The item is withdrawn."

MR. S. SATYAMURTI :—" From the agenda ?"

\* The hon. the PRESIDENT :—" Yes, from the agenda."

### VIII

A BILL TO AMEND THE MADRAS PREVENTION OF ADULTERATION ACT, 1918--cont.\*

#### Clause 2.

MR. C. B. COTTERELL :—" I beg to move the amendment which stands in my name—

' *Substitute* the following for the definition of " milk " :—

" *Milk* " means the normal clean secretion drawn from the udder of a healthy cow or buffalo either completely, or, after the first portion of such secretion has been drawn off, to completion."

" I formally move the amendment."

\* The hon. the PRESIDENT :—" Diwan Bahadur M. Krishnan Nayar wants to move an amendment that in the definition of ' milk ' the words ' either completely or to completion ' and ' either completely or ' be omitted. I think he will have to move it as an amendment to the amendment of Mr. Cotterell."

\* Diwan Bahadur M. KRISHNAN NAYAR :—" I catch your point, Sir. That is what I am exactly doing. I move my amendment as an amendment to the amendment of Mr. Cotterell. My object in moving this amendment is this: I do not find any difference between the words ' completely ' and ' to completion '. To me it seems that both the words convey the same idea. I do not see where the need is for any repetition and unless any fresh light is thrown on the need for this repetition, by those who are responsible for the framing of this Bill, I think I must move my amendment as it is."

\* The hon. the PRESIDENT :—" I think the hon. Member, Mr. Krishnan Nayar, will do well to propose the omission of the words ' either completely or ' in line 2 of Mr. Cotterell's amendment. That may be one amendment. He may have to move another amendment to omit the words ' to completion ' as a second amendment. Does the hon. Member propose to move the omission ?"

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\* Diwan Bahadur M. KRISHNAN NAYAR :—“ Yes, Sir. I move ‘ that the words “ either completely or ” be omitted. ’ ”

\* The hon. the PRESIDENT :—“ The amendment of Mr. Krishnan Nayar is this : That the words ‘ either completely or ’ be omitted in line 2 of Mr. Cotterell’s amendment. The amendment of Mr. Krishnan Nayar is for the discussion of the House. ”

\* Mr. C. B. COTTERELL :—“ I think the hon. Member Mr. Krishnan Nayar’s amendment was framed originally before the word milk was defined in the Select Committee as meaning ‘ the normal clean secretion, ’ etc. Of course, I agree that the words ‘ either completely ’ or ‘ to completion ’ both mean the same thing, but, after consulting some of the experts on this matter, I thought it better to move the amendment in its present form with the words ‘ either completely, or, after the first portion of such secretion has been drawn off, to completion. ’ So that it will now be found that the meaning of the word ‘ milk ’ is made quite clear and distinct, viz., that it is something which is drawn by milking a cow completely or after the first portion has been drawn, to completion. Sir, have I your permission to deal with another point now ? ”

\* The hon. the PRESIDENT :—“ If the hon. Member considers that it is necessary to explain the meaning of the word ‘ completion ’ in order to elucidate the meaning of the words ‘ either completely ’ he may do so. ”

\* Mr. C. B. COTTERELL :—“ I have done that. ”

\* Diwan Bahadur M. KRISHNAN NAYAR :—“ Sir, I know I have no right of reply. But, with your permission, I wish to say that I thought that only some of us on this side who do not know the secrets of the drafting of the Bill were ignorant of the meaning of those words. My hon. Friend, Mr. Cotterell, is in no better position than ourselves. He was telling you and the Council that he himself could not understand the difference between the words ‘ completely ’ and ‘ to completion ’. If I understood him correctly, I thought he wanted to suggest that there was no need for the definition of the word ‘ milk ’ at all. ”

\* Mr. C. B. COTTERELL :—“ No. ”

\* Diwan Bahadur M. KRISHNAN NAYAR :—“ Since every body is in the dark and nobody is wiser than myself, I leave my amendment to the decision of the Council. ”

\* Mr. T. R. VENKATARAMA SASTRIYAR :—“ Sir, I take it that the suggestion is that the words ‘ either completely or ’ and ‘ to completion ’ be wholly omitted or, in the alternative, that the words ‘ either completely or to completion ’ be taken away from the Select Committee’s definition. The definition of the Select Committee is this : ‘ Milk means the normal secretion obtained by milking the udder of a healthy cow or buffalo either completely or to completion after the first portion of the milk has been taken direct from the udder. ’ The idea is that the words ‘ to completion ’ should be taken along with the words ‘ after the first portion of the milk has been taken direct from the udder. ’ That can be achieved by a device of punctuation. In order to



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avoid such device, it is suggested by Mr. Cotterell's amendment that the words 'to completion' should be brought on after the words 'after the first portion of the milk has been taken direct from the udder.' The meaning of the clause as framed by the Select Committee is made clearer by the amendment of Mr. Cotterell. It seems to me that it is necessary to retain both 'either completely' and 'to completion.' The only question that can arise is where the words 'to completion' should be put in the clause. The first words 'either completely' mean that the milk is wholly drawn from the udder without any portion of the milk being left unmilked. The latter words 'to completion' whether used after the words 'the first portion of the milk has been taken direct from the udder' or before those words, are intended to convey that you might allow the milk to be taken by the calf at the beginning but you are not to give up any portion of the milk at the end. Give up, if you please, the milk milked at the beginning; but after that, milk the cow to the end completely leaving no part of the milk unmilked. If it is so understood, I think both the words 'either completely' and 'to completion' would be necessary. The hon. Member, Mr. Cotterell, has observed that he will move an amendment as to where the words 'to completion' should be inserted. I am not dealing with that question now. I am only answering to the hon. Member Mr. Krishnan Nayar's suggestion that both these sets of words are unnecessary. I say they are necessary. The question where the words 'to completion' should be inserted may be considered afterwards, on the amendment to be moved by Mr. Cotterell."

\* MR. P. C. VENKATAPATI RAJU:—"Mr. President, Sir, I beg to support the amendment of my hon. Friend, Mr. Krishnan Nayar. Of course, there may be difference in the milk that is drawn at the beginning and at the end. So also there may be difference in the richness of the milk according to the constitution of the cattle, the nature of the feed, etc. Buffalo milk will be very rich in cream. But the idea of penalising the healthy milk of a cow simply because it is a little less in richness or because the milk is not completely drawn is not quite sound. With regard to the amendment of the hon. Member, Mr. Cotterell, I must thank him for making clear the difference between the words 'or completely' and 'to completion'. But I should like to know what his idea is with regard to the milk drawn at the beginning. Is it to be sold as buttermilk? I do not know if the framers of the Act or of the amendment intend to do away with the milk that is drawn first. After taking all these things into consideration, I think it is not the richness of the cream that is required here but the purity of the milk. I hold that the milk drawn at the beginning is as pure as that drawn at the end. It may not be of the same richness. As I pointed out at the beginning of my speech, richness of the cream depends on so many things, constitution of the cattle, etc. It would be well if the words 'or completely' and 'to completion' are left out altogether. After all, it is not the intention of the Act to enforce the richness of the milk but the purity of the milk."

\* MR. J. A. SALDANHA:—"Sir, I wish to move an amendment to omit the definition of the word 'milk' altogether. Am I to move that now, or am I to discuss the point raised by my hon. Friend, Mr. Krishnan Nayar?"

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\* The hon. the PRESIDENT :—" May I know the number of the hon. Member's amendment in the list of amendments ? "

\* Mr. J. A. SALDANHA :—" It is not there, Sir. But I have stated the point in my minute of dissent."

\* The hon. the PRESIDENT :—" Order, order. Minute of dissent is not an amendment. Has the hon. Member given notice of any amendment to omit the definition of the word 'milk'? Apparently, he has not. I would advise the hon. Member to offer his remarks when the definition is put to the vote of the House."

\* Rao Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" Sir, I support the amendment of my hon. Friend, Mr. Krishnan Nayar, because it would be very difficult to work the Act with the amendment of the hon. Member, Mr. Cotterell. I know that the Madras milk suppliers take their cows to three or four houses and the houses may be situated in three or four streets; after one measure of milk is drawn and supplied to one house, they will take the cow to another house, draw and give another measure of milk. In such cases, it would be a great hardship if the amendment of Mr. Krishnan Nayar is not carried. We get milk both in the mornings and in the evenings. If the words are left in the amendment as they are, it will be very difficult to put the provision into practice. I know that, in some cases, the practice is to allow the calf to suck at frequent intervals and also to draw milk frequently. Only then the cow will yield a larger quantity. In practice, it will be very difficult to work out this definition. The sanitary staff—some of them may not be very clever—will not know whether milk has been drawn completely or not. So, I strongly support the amendment of my hon. Friend, Mr. Krishnan Nayar. Neither the hon. Member Mr. Cotterell nor the Director of Public Health has made the point clear to the House that the words 'either completely' or 'to completion' should be retained."

\* Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" Sir, I rise to support the definition of the hon. Member, Mr. Cotterell, because some people who desire to take advantage of such a definition may be benefited by it. Moreover, in this country, feeding of a good number of children is artificially done and, in my opinion, artificial feeding of infants is increasing every day. We know that the first portion of the milk is naturally very defective in fat content and so it gives poor nutrition for infants. I know that fact from my experience. When the English cow gives four or five measures of milk, nearly more than three fourths of the first measure is poor in nutrition. I know that the milk drawn in the middle and in the latter portion tastes better, and that it is more nutritious than the milk which is drawn at the beginning. So, I am afraid that, if we do not accept the definition of Mr. Cotterell, and if we leave out the words 'completely or to completion' it will affect very much the health and nutrition of infants which have to depend entirely on the feeding of the cow's milk. Therefore, I support the amendment of the hon. Member, Mr. Cotterell."

\* The hon. the PRESIDENT :—" The question is that the words 'either completely or' in the second line of Mr. Cotterell's amendment be omitted."

The amendment was put to the House and lost.



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12-30  
p.m.

\* Diwan Babadur M. KRISHNAN NAYAR :—“After my first amendment, namely, to omit the words ‘either completely or’, has been voted out by the House, the other amendment of mine, omit the words ‘either completely or to completion’, does not fit in with the amendment as it is now before the House. So, I do not move it, Sir.”

\* The hon. the PRESIDENT :—“The amendment of Mr. Cotterell is for the discussion of the House now.”

\* Mr. J. A. SALDANHA :—“Sir, I beg to move that the definition of ‘milk’ be omitted altogether.”

\* The hon. the PRESIDENT :—“Order, order. It has been brought to my notice that at the last sitting of the Council when the Bill was taken up, an amendment of Mr. Saldanha to omit the clause was called, and as the hon. Member was not in his place, it was deemed to have been withdrawn. He has not subsequently given notice of a similar amendment though he had an opportunity to do so. Now, the only course open to him is to oppose the motion of Mr. Cotterell.”

\* Mr. J. A. SALDANHA :—“Very well, Sir. I oppose the motion of Mr. Cotterell for these reasons. I would draw the attention of the House to the definition of the word ‘milk’. ‘Milk means the normal clean secretion drawn from the udder of a healthy cow or buffalo either completely or after the first portion’, etc. I will lay stress upon the word ‘healthy’ and upon the words ‘either completely’ and ‘to completion’. The hon. Member aims at defining what pure and good milk is. As my hon. Friend from Coimbatore pointed out, the definition as given here would lead to much hardship and unnecessary and uncalled for prosecution—ending perhaps in failure—and a lot of trouble which may not be quite justified. As to what is pure milk and what is good milk, as my hon. Friend pointed out, rules might be made by the Government specifying the requirements on fixing the standard. I may also point out that it is not clear as to what the distinction is between the words ‘to completion’ and ‘completely’. I have seen almost every day that no cow in Madras is being completely milked. A cow is brought in front of one house, milked partly there, then it is taken to another house and milked there again and so on. Who is there to watch the proceedings of the milkman? There will be absurd difficulties in getting the necessary evidence, and there will be a lot of unnecessary prosecutions started at the instance of an enemy or enemies of an innocent owner of a cow. After all, he may not milk the cow completely, only because he wants to leave some milk to the calf. So, Sir, all these difficulties will arise if milk is defined. I therefore think that this amendment is quite unnecessary, uncalled for, unjustifiable and likely to lead to a large amount of unnecessary prosecutions, perhaps of innocent persons, by the police at the instance of enemies of the owner of a cow. I beg to oppose the amendment of my hon. Friend, Mr. Cotterell.”

\* Mr. K. R. KARANT :—“With your permission, may I say a word, Sir? I think there is some confusion in this matter, because, so far as I can see, there is no amendment to delete the definition of ‘milk’ at all. On the other hand, what Mr. Cotterell has put forward is practically a definition

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which is better in wording than the one which was put in in the Bill as amended by the Select Committee. I can quite understand some member opposing the definition of 'milk' being put into the Act at all; but, as long as there is no definition in the Act itself, the result of throwing out the definition brought forward by the Government Member will be to retain the definition of the word 'milk' as put in by the Select Committee. The Bill as amended by the Select Committee contains the definition of 'milk' and the present definition of the hon. Member on the other side is simply this: that instead of 'obtained by milking' he has put the words 'drawn from' and for 'taken direct from the udder' he says 'drawn off'. So that, the present amendment of Mr. Cotterell is only better in wording than the one in the Bill as amended by the Select Committee. If we throw out Mr. Cotterell's amendment, the result will be that the amendment in the Bill as passed by the Select Committee will stand. I therefore think that it is no good opposing the amendment."

\* The hon. the PRESIDENT:—"The procedure seems to be this. If the House is in a mood not to accept the definition of milk and if the House now throws out the amendment of Mr. Cotterell, I shall have to put the definition of milk as put in the Select Committee's report, and the House may throw out that also. That will be the proper procedure."

\* Diwan Bahadur M. KRISHNAN NAYAR:—"It seems to me, Sir, that there is a redundancy in the amendment as it is. Mr. Cotterell's amendment is that 'milk means the normal clean secretion drawn from the udder of a healthy cow or buffalo . . . completely,' etc. There is a clear, definite and final idea in that sentence. The first portion of the secretion has to be drawn out and then we get what is called 'milk'. There is no reference to the calf at all. It is only when the whole thing is completely drawn that we get milk, and that idea is denoted by the use of the word 'completely'. Then there are the words in the amendment 'after the first portion of such secretion has been drawn off'. It seems to me, Sir, that the latter portion is redundant. The definition may be put thus: 'Milk means the normal clean secretion drawn from the udder of a healthy cow or buffalo completely.' That is quite enough, I think. The latter portion of Mr. Cotterell's amendment may be omitted. If my view is accepted, the words 'either completely or to completion' may perhaps be kept."

\* Mr. C. B. COTTERELL:—"Sir, I do not think that the attention has been bestowed on this point which it requires. The suggestion to leave out the last portion of the amendment is, I think, sufficiently met by my saying that the last portion provides for the calf. I have put in the words 'after the first portion of such secretion has been drawn off' only with a view to provide for the calf. The necessity for defining 'milk' is not, as some members seem to think, in order that one should be able to get pure milk, but that in order that the various sections in which the word 'milk' occurs should operate, the word 'milk' has to be defined. Section 5(d) of the Act says: 'sells milk, cream, butter, ghee or cheese which is not up to the standard of purity prescribed by the Governor in Council'. Therefore we have got to define milk in order to see whether it is good milk or not. If the article sold is not milk as defined in the Act, there can be no harm in selling it; because it will not be milk according to the Act and



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nobody can prosecute the seller of such an article. When the milkman sells milk which does not satisfy the definition, the milk does not come under the Act and it will then be purely a matter between the seller and the purchaser. The reason why we wish to introduce a definition for 'milk,' as we have done, is this: Section 20 of the Act says:

"The Local Government may, after previous publication, make rules prescribing standards of purity for milk . . . and determining what deficiency in any of the normal constituents of these articles or what addition or any extraneous matter or proportion of water in any of the same or any preparation of the same shall for the purposes of this Act raise a presumption until the contrary is proved that the milk . . . is not genuine or is injurious to health."

"If you exclude the latter portion of the amendment, you can sell any milk as pure milk. For instance, the fore-milk taken from a cow may be sold as pure milk, and any one who sells milk like that can say that he does not come under the Act. No one can say that when milk as defined in the Act is milk drawn from a cow to completion. The constituents of the milk will be so miserable, so lacking in health-giving food properties that any one getting such milk cannot be said to have got good milk. The milk may be watered down and some deleterious compounds added to it and the Chemical Examiner cannot act on the presumption that such milk was diluted because it may be no worse than fore-milk, which would be milk according to the definition of the Act. That is why we want to define milk. It is only when the word is defined that you can say that milk which is not up to a certain standard of purity will not be allowed to be sold. That is the object of this definition and I fail to see what persecution or prosecution is implied in it. It is a simple definition which is sought to be laid down in the Act in order to see that a compound of milk and water is not allowed to be sold. I hope the House will not raise any objection to it."

12-45  
P.m.

\* Mr. C. V. VENKATARAMANA AYYANGAR:—"I am sorry, Sir, that the speech of the hon. the Secretary has not made matters a whit clearer. For, my doubts have increased and if I was confused before, now I feel worse confounded. The hon. the Secretary might have studied the Act more carefully but his laboured explanation has made it doubtful if he himself clearly understands what he has been saying. Or else, there was not so much necessity to make us understand what he said. He began very rightly by saying that there was a good deal of difficulty. If he who has studied the Act, and if some Members of the Opposition who have studied the same, do not agree upon the meaning that the definition should bear, how are the milkmen in our villages and towns to which this Act may be extended from time to time, and the various officers of the various departments to which my hon. Friend, Mr. Ratnasabhapati Mudaliyar, has referred, to understand the provision? Even according to Mr. Cotterell, it will be very difficult for an expert to say at a particular stage whether the particular thing is milk or not under the definition. In that case, are the magistrates to depend before passing their sentence upon one set of witnesses on the one hand as against another set on the other as to when the milk was drawn, whether it was drawn to completion or not, whether the calf was allowed at any stage or not, and so on? Our difficulty is not as regards some definition at all. I think probably the rule-making powers are wide enough for the Government to define as to what milk should be brought under the Act and what not. The greatest trouble, so far as we in the mufassal are concerned with,

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is not to get pure milk but to get any milk at all. According to the hon. the Deputy President, it is all very well in England where they say cows are like Kamadhenu giving plenty of milk and probably people there do not know how to utilize fully the milk drawn there or imported from other countries. But we, in India, know what great difficulty poor people feel, especially children in poor families, in getting milk. And we have no doubt that all the milk, good, bad, adulterated, unadulterated or otherwise, that we get is not sufficient for our purposes and the definition adds to our difficulties. Every day we know, many of us know, that the milk supplied for our coffee is very bad and yet we want it. Supposing, on account of this definition, that milk is retained in the house of the milkman for fear of prosecution—legitimate, we may take it—the supply of milk will be very much cut down and that will affect our rural children the most. They are finding it difficult even now to get milk and quite a large number of these children go without milk. By all means, let the hon. Member, Mr. Cotterell, and the Advocate-General find out, if necessary, some definition which will not have any confusion or intricacies, and which will not require Mr. Cotterell or the Advocate-General to explain what is meant in it, when there is a prosecution going on in a bench court or other court. My difficulty is that we will be placed in a very awkward position and what is laid down, evidently for the help of the people in the mufassal and in the towns, will go very much against them. I would appeal to the hon. Member, Mr. Cotterell, with the help of the Advocate-General and Mr. Krishnan Nayar if possible, to arrive at some definition which would be clear without any commentary. Very often, the commentaries make the text difficult to understand. I find the present definition is likely to give room to plenty of prosecution before cases even come to court. I would strongly urge upon the House to vote against the amendment as well as the definition as it is. But certainly, we will be quite prepared, if a definition is necessary in spite of the rule-making powers, to put in some simple, understandable definition, so that even for us, there will not be any difficulty as to its meaning and much less, for the ordinary Government servants entrusted with the working of the Act and the poor milkmen."

\* The hon. Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Mr. President, Sir, the question now under discussion is really very difficult and so technical that I should have preferred the House to have heard our experts which I hope they will yet do, before coming to a conclusion on it. I rise at this stage because I am afraid that the demand which my hon. Friend, Mr. Venkataramana Ayyangar, has made is almost too much. It cuts at the very root of public health work. He almost said that he would prefer to get some milk instead of no milk. I think, Sir, that one of the points that are insisted upon as part of the programme of public health in cities is the necessity to produce the purest kind of milk that we can get. The hon. the lady Member, I think, referred to the great necessity of our securing pure milk for the feeding of babies. The supply of impure milk, as is well known, might not merely lead to spoiling the health of the babies but will be a source of spreading of diseases. But, I think, Sir, that some of the difficulties that have been put forward are more or less imaginary. By this definition we do definitely want to exclude the sale of fore-milk. As the hon. Member, Mr. Cotterell, explained, if once fore-milk is allowed to be sold, our object in bringing this amending Bill would be entirely defeated



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because by securing a proper definition of 'milk', we will be able to work the Act which we have not been able hitherto to do, for want of this definition. The point has been raised and made much of that the adoption of this definition would affect the present practice of milkmen leading their cows from house to house. I think it has been explained that no question of prosecution can arise in that case because the cows are milked in front of the person who wants the milk and that there is therefore no intention to cheat. How can a question of prosecution arise when a man asks for a certain stuff which he is given in his own presence? I do not think that the point arises at all."

\* Mr. C. V. VENKATARAMANA AYYANGAR :—"What I meant to say was this. How are the people to know that the cow had not been milked before the calf has been let in. Is the milkman to go about tom-toming 'I have just let in the calf; I have drawn fore-milk', and so on?"

\* The hon. Diwan Bahadur R. N. AROGYASWAMI MUDALIAR :—"That point does not arise at all. The cow may have been milked before, but the application of a standard of purity and prosecution arise only if the man who purchases the milk complains. And in this case, as the cow is milked at his house, in his own presence, there is no question of prosecution at all. In fact, it is not that class of cases that we want to deal with in this Bill. We want to deal with the rather large number of cases which lead to danger of public health. I hope the House will remember that aspect of the matter. We are in no way intending to interfere with the general practice among milkmen, but as I said, it is intended purely as a public health measure, only to safeguard public health by a proper definition of 'milk.' I hope the House will look at this from that aspect and judge the measure from the standard of the improvement of public health in the Presidency."

\* Mr. T. R. VENKATARAMA SASTRIYAR :—"Sir, the point has been to a certain extent explained by the hon. the Minister in dealing with this matter. But as I invited the hon. Member, Mr. Venkataramana Ayyangar, to suggest his difficulties I desire to say a few words on this amendment in order to show that it is not likely to lead to the difficulties which he apprehends. Sir, this is an amending Act dealing with only a very small portion of the original Act. Mr. Venkataramana Ayyangar stated that both the Members sitting on this side and those sitting on his, were keeping before their minds the provisions of the original Act. I rather doubt if they have got the provisions of the Act before them. I would ask them to see what section 5 of the Act provides. It says: 'Any person who sells any food which is not of the quality demanded by the purchaser'; and clause (d) says: 'sells milk which is not up to the standard of purity prescribed' and the section then proceeds to lay down the punishment. The section also says: 'No offence will be committed if the quality of the milk supplied is brought to the notice of the person who receives it.' Now, most of the speakers have in their mind milking in front of the houses of the purchasers. In such a case, the exact commodity that the one asks for and the other supplies is known to both the parties. There is therefore no question of any prosecution under the Act. It seems to me that the case to which this definition will really apply is a case where milk is kept in a shop or in a depot for supply to any person who asks for milk. Even then, let me make it clear to those who have any difficulty in the matter that it is not that the person is bound to supply milk up to the standard of purity fixed by the

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Government. The examination of the milk, and its condemnation as not being up to the standard of purity fixed by the Government, only raises the presumption in any prosecution that it is not milk within the definition in the Act. If the person is prosecuted, he has only to prove that the milk is of the best quality that his cow can supply. If the cow is milked and the quality of milk is found to be the same as the quality supplied, the milk will be taken to be pure. But if there is no definition of the kind proposed here, even the fore-milk can be supplied. Even fore-milk can be supplied from depot or the shop and the testing expert cannot say that it is not up to the standard of fore-milk.

“The object of the definition is this. If milk is asked for and milk is supplied, it must be milk drawn to completion. If it is not milk drawn to completion, he is free to tell the man who came to purchase the milk : ‘This is only fore-milk, at any rate, not milk drawn to completion. If you are willing, take this.’ In such a case there can be no punishment. If he represents to the purchaser that the milk is of the standard quality laid down in the rules, then he is not liable to prosecution. So that, the result of the definition as given is this. In every case in which the purchaser knows the quality of the milk he is purchasing, there is no punishment. When a person asks for milk and the milkman supplies milk not up to the quality indicated by the definition without telling the purchaser its true nature or quality he would be liable to punishment. It seems to me that after this explanation hon. Members will see that there is no possibility of any prosecution or persecution in any case where the quality is indicated to the purchaser. In cases where it is not indicated but given as milk drawn to completion when it is not so in fact he will be liable to punishment. Milk need not be of the standard fixed by Government but it must be of the quality which the milkman’s cow can give by complete milking or he must inform the purchaser that it is not up to that quality.” 1 p.m.

Mr. R. FOULKES :—“It seems to me, Sir, that we may have to accept the amendment as it stands. It was considered necessary that there should be a definition of milk; and that definition must be a scientific definition, because the tests which are applied to prove the purity of milk are only scientific tests.”

The amendment was put and carried.

Clause 2, as amended was put and carried and added to the Bill.

#### Clause 3.

\* Mr. C. B. COTTERELL :—“I beg to move

‘For the numbers “(i)” and “(ii)” substitute the letters “(a)” and “(b)” ; and for the letters “(a)” “B” and “C” in clause (a) as thus renumbered, substitute “(1)”, “(ii)” and “(iii)”’.

‘For sub-clause (i) of clause 3 (a) as re-numbered above the following shall be substituted :—

“(i) For the words ‘manufactures for sale or offers for sale’ the words ‘manufactures, stores or offers for sale’ shall be substituted”.

“It is purely a formal one.”

The amendment was put and carried.



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\* Mr. C. B. COTTERELL :—" I move

' For the present clause 3 (i) (b) the following shall be substituted :—

' For clause (d) the following clause shall be substituted, namely :

" (d) offers for sale or hawks about or sells milk, cream, butter, ghee, cheese or any food which is not up to the standard of purity prescribed by the Local Government."

" This is purely a verbal matter which makes the section more clear to avoid any legal difficulty that may arise. I suggest that the House may adopt it."

\* Mr. C. GOPALA MENON :—" My amendment is this :

' In lines 3—6 for the words "*(d) offers for sale . . . . by the Local Government*" substitute the words :—

' (d) offers for sale or hawks about or sells milk, cream, butter, ghee, cheese, or other foods which are not up to the standard of purity prescribed by the Local Government, or exposes for sale milk, cream, butter, ghee, cheese, or other foods in a manner in which they will be liable to admixture of dirt or other extraneous matter.'

" The anxiety expressed by several hon. Members till now was in order to get pure milk and pure food-stuffs. The object of my amendment is, after getting them, to keep those eatables in a manner free from dirt or from any other extraneous matter. It is usual to see sweetmeats being sold in the roadsides which are exposed to all contaminations. One of the various reasons adduced for the recent cholera epidemic was that the flies went from place to place and sat on these sweetmeats and that thereby the epidemic spread from place to place. In order to avoid such things and to get the food-stuffs free from admixture of dirt, I propose a cover, like that of a wire gauze netting, might be used for protection. You know in the railway platforms the railway authorities insist the hawkers on having their food-stuffs protected by such a method. It may cost a little bit to the people concerned, but the danger of exposure is very great. It is therefore necessary that the food-stuffs should be protected by such a wire net or other contrivance in order that they may not be contaminated."

Major A. J. H. RUSSELL :—" Mr. President, Sir, I think every Member of this House will be entirely in agreement with the last speaker. But, this amendment is covered by the rules framed under the Act in respect of the state in which utensils intended for preparation of food-stuffs, etc., should be kept. The Government have already published those rules which cover the objections raised by the hon. Member. These have not yet been finally accepted by the Government, because the time has not yet expired. But the Members of this House may take it from me that the rules cover the objections that have been raised".

\* Mr. P. C. VENKATAPATI RAJU :—" Sir, I am afraid that the rule pointed out by the hon. Member, Major Russell, does not at all cover the grounds wanted to be covered by the amendment of the hon. Member, Mr. Gopala Menon. The rules mentioned by Major Russell only speak about the keeping clean of the utensils and other things. The rule does not provide for protection against extraneous contamination by flies and dirt. Unless such a rule

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is pointed out, I think it is quite essential that this amendment should be accepted by the House. Of course, with the consent of the Advocate-General, we may put it in a general way as 'or exposes such things as to impair the purity'. All that is sought to be intended by this amendment is to protect the food after the stage of preparation while actually vending them from exposure to extraneous contamination."

\* Mr. C. B. COTTERELL:—"I think we might say that the rules to be framed would be subject to criticism by the hon. Member and could be modified in accordance with his intentions. But pending such criticism, we can say that the rules will provide for all contingencies covered by the amendment of the hon. Member, such as covering the food and keeping off flies and providing for food being otherwise handled. I therefore think that this amendment will be unnecessary at present."

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p.m.

\* Mr. C. GOPALA MENON:—"I am glad to hear the remarks made by the hon. Member Mr. Cotterell, and I shall withdraw my amendment."

The amendment was by leave withdrawn.

\* Mr. J. A. SILDANHA:—"I move—

*'In line 4, after the word "cheese" insert the words "tea, coffee, toddy, beer and liquor."*

"My amendment only wants to make things clear. The original Bill contained the words 'or tea', and the Select Committee then proposed other kinds of food, such as milk, cream, butter, ghee, cheese or other foods. The words 'other foods' are indefinite enough. Mr. Cotterell's amendment makes it 'any food.' Now, this leaves an amount of indefinite discretion or indiscretion to Government to take any sort of food and fix the extent of purity or impurity. They might take tea as food. The question is whether it is food or not. Let us settle it once for all and not leave it to the Government to decide whether it is food or not. I think that would rather leave things in much doubt and afterwards lead to indefinite trouble. The Government may say coffee is food. Then, I ask, why not toddy (*laughter*)? Why not liquor (*laughter*)? I have always been asking the House to make their definitions clear and not leave things to the discretion or indiscretion of somebody who will say to-morrow that in Madras where coffee is sold, it is food, or in Malabar where tea is sold, which is very often the case, it is food. (*A voice: South Kanara.*) In South Kanara, it may be some other stuff, or toddy. Each one may be added as food one after the other. So, let us make it clear now only and not leave it to the Governor in Council or some Secretary to Government that would advise the hon. the Minister to treat anything they consider as food. I should not be surprised if some hon. Minister thinks that toddy is really good food, and I think in the opinion of many, fresh toddy, in any case, is food, and it has got very good nutriment. From toddy we can produce sugar. We can see with our own eyes that, with a mixture of a little lime, jaggery is being manufactured from toddy, and sugar also is produced. In Tinnevely, it is done. Surely, I think people are quite right in thinking that toddy contains an amount of sustaining nutriment which would bring it under food, and the Health Minister will be quite justified in fixing the standards of purity or impurity of toddy. Thus, I think he will have in his hands a very good weapon to



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punish people, under this Act as under the Abkari and other Acts, for selling toddy which is adulterated. And this would enable private individuals to pitch upon retail sellers and prosecute them for selling bad or adulterated toddy because it is not of the standard purity. So much for toddy. Then, there are some people who have held that distilled liquor has the power of sustenance. Therefore, liquor also may be sought to be classed under food. I only propose this amendment with a view not to leave it to the mere arbitrary discretion of Government to say how different articles should be classed as food and to fix the different standards of purity. Let us settle it ourselves. Otherwise, let us stop with simply cheese, and not include other things so as to give room to the exercise of discretion by Government. There are people, who are fortified by the opinion of high authorities, who consider that these articles constitute some kind of food, though they are of different standards of nourishment. So, I would propose to insert the words 'tea, coffee, toddy, beer and liquor' after the word 'cheese'."

\* The hon. the PRESIDENT :—"The words used by the Select Committee are 'other foods', whereas the words used in Mr. Cotterell's amendment are 'or any food.' Does the hon. Member propose to change the words 'or any food' of Mr. Cotterell or the words 'or other foods' of the Select Committee, or does he adopt the wording 'or any food' in the amendment of Mr. Cotterell?"

\* Mr. J. A. SALDANHA :—"I may point out that I was not aware of Mr. Cotterell's amendment when I sent in my amendment."

\* The hon. the PRESIDENT :—"I wish to know from the hon. Member whether he intends to further amend Mr. Cotterell's wording."

Mr. J. A. SALDANHA :—"I propose to insert the words 'tea, coffee, toddy, beer and liquor' after the word 'cheese' in Mr. Cotterell's amendment."

\* The hon. the PRESIDENT :—"Retaining the words 'or any food'?"

\* Mr. J. A. SALDANHA :—"Yes, Sir."

\* The hon. the PRESIDENT :—"The amendment of Mr. Saldanha is to insert the words 'tea, coffee, toddy, beer and liquor' after the word 'cheese' in the amendment of Mr. Cotterell.' Mr. Saldanha's amendment is for the debate of the House."

\* Diwan Bahadur M. KRISHNAN NAYAR :—"I only wish to say one word with reference to this amendment. My hon. Friend, Mr. Saldanha, is a member of a party whose proclaimed doctrine is—I do not differ from that doctrine myself—one of prohibition. I am not myself against my hon. Friend on that question or against the party of which my hon. Friend is a distinguished member. My hon. Friend now seeks to give sanction in a statute for the sale of toddy and liquor, by his amendment (*Mr. J. A. Saldanha: Pure liquor*) (*laughter*). So that, as I understand my hon. Friend, his doctrine with reference to prohibition is prohibition except with reference to pure liquor. (*Mr. J. A. Saldanha: 'Until prohibition comes'*). Pure liquor, that is what my hon. Friend wants." (*At this stage Mr. J. A. Saldanha rose in his seat*).

\* The hon. the PRESIDENT :—"Mr. Saldanha will make his personal explanation."

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\* Mr. J. A. SALDANHA :—" I, for one, am for total prohibition. But I am also of opinion that it will take a very long time before it is established. According to my hon. Friend's party, the Justice Party, it will take an indefinite period, and perhaps we will have to wait for it till Doomsday from the way in which they want to work towards that goal. But, whatever it is, until it is established, I want to see that unadulterated liquor and toddy are sold and not the dirty stuff that is being sold very often, and I am of opinion that adulterated liquors are a hundred times more deleterious than pure liquor, however bad by itself."

\* The hon. the PRESIDENT :—" The hon. Member need not argue. He has given his personal explanation."

\* Diwan Bahadur M. KRISHNAN NAYAR :—" If I go on replying to my hon. Friend, I shall be going far away from the subject, and I do not propose to answer him. As a matter of fact, my party has laid down a definite period of twenty years for attaining total prohibition, so that I am not going to reply to his other observations. My present point is that if the House is going to accept my hon. Friend's amendment, we shall, be giving sanction to what my hon. Friend says, viz., pure liquor, thereby shutting out the sale of prohibition altogether. I do not know whether my hon. Friend is prepared for all these logical consequences of his amendment."

Mr. P. ANJANEYULU :—" Mr. President, Sir, I am somewhat surprised at the remarks made by my hon. Friend, Mr. Krishnan Nayar. I must, on behalf of my party, deprecate the suggestions he made, which I thought at the first instance to be merely humorous, on the ground that neither my hon. Friend, Mr. Saldanha, nor any other member of my party intends to give any legal sanction for the sale of liquor, toddy or beer and to see that they are continued as drinks or as food. So long as the evil exists, we want to minimise it. What my hon. Friend, Mr. Saldanha, says is that when you give toddy you should give good toddy and not bad toddy. This is a Bill which deals with adulteration of things which are generally used by mankind as food, and, as a matter of fact, portions of mankind do take all these things, although most of us do wish that they did not take those things. That pious wish, I am afraid, will not be so soon realized, and according to my hon. Friends of the Justice Party whose hopes and expectations are in common with us, that day of putting down this evil is twenty years off from now. Therefore, as long as there is a section in this very House which hopes that prohibition will not come earlier than that time, and as long as that view continued, so long we want to put a check on bad material being supplied to our people. There are weak men among our countrymen, and there are others of our countrymen who are willing to subserve to their weaknesses, and so we want to see that that weakness is subserved not in a bad manner. In that view, I see no reason for saying that the House is giving legal sanction for the sale of toddy and liquor by this amendment."

" But, on other grounds, I do not think that this amendment is necessary as in Mr. Cotterell's amendment you find the words ' or any food.' If those things are treated as food, then there will be no end to our specification. We have not exhausted all by including only tea, coffee, toddy, beer and liquor, and there may be other things also which come under the definition of



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food. Therefore, my personal opinion is that Mr. Cotterell's amendment satisfies what my hon. Friend, Mr. Saldanha, is attempting to do. In that view, I am of opinion that the insertion of those words is not necessary".

\* The hon. the PRESIDENT:—"It being 1-30 p.m., the House will now adjourn for lunch and re-assemble at 2-30 p.m."

### After Lunch (2-35) p.m.

#### A BILL TO AMEND THE MADRAS PREVENTION OF ADULTERATION ACT—cont.

##### Clause 3—cont.

\* Mr. J. A. SALDANHA:—"Sir, I wish to withdraw my amendment."

The amendment was by leave of the House withdrawn.

Mr. Cotterell's amendment was then put and adopted.

Clause 3, as amended, was then put and carried and added to the Bill.

##### Clause 4.

##### Sub-clause (i).

\* Mr. C. B. COTTERELL:—"Sir, I move—

'For the existing clause 4 (i) the following shall be substituted:—

*"In clause (e) for the words 'ghee and cheese', the words 'ghee, cheese and any food' and for the words 'ghee or cheese' the words 'ghee, cheese or any food' shall respectively be substituted".*

"The object of this amendment is only to bring this sub-clause in a line with the other clauses of the Bill."

The amendment was put and carried.

##### Sub-clause (ii).

\* Mr. C. B. COTTERELL:—"Sir, I move—

*'Substitute semicolons for the commas at the end of (i), (ii) and (iii) of (f) and at the end of (g), and, for the full stop at the end of (h) substitute a semicolon and the word 'and'.'*

"This amendment aims at putting the proper punctuation marks in the different places mentioned and nothing more."

The amendment was put and carried.

Clause 4 as amended was next put and carried and added to the Bill.

##### Preamble.

\* The hon. the PRESIDENT:—"I will now put the Preamble of the Bill to the House."

The preamble of the Bill was put and carried and added to the Bill.

\* The hon. Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, I beg to move that the Bill as amended be now passed into law."

The motion was put and carried and the Bill was passed into law.